

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

EUCLIDES SOTO, LOUIS A. MARTINEZ, )  
JOSE RAMIREZ, CLEMENTE HERNANDEZ, )  
CESAR PIZARO, ELISON PENA, )  
JUAN COLON, JOSE ORTIZ, RAFAEL TORRES, )  
ANGEL BAEZ, ANTONIO MARTINEZ, )  
WILFREDO ORTIZ, EULOGIO ORTIZ, )  
MIRRAIN MIRANDA, RAFAEL MORENO, )  
NELSON ACEVEDO, and )  
RAMON RODRIQUEZ, )

Plaintiffs,

V.

SHERMAN-FEINBERG CORPORATION,  
FARNSWORTH FIBRE CORPORATION,  
UNITED STEELWORKERS OF AMERICA,  
LOCAL 421-U, and UNITED STEELWORKERS  
OF AMERICA,

Defendants.

Civil Action No.  
04-10892-JLT

**DEFENDANT UNION’S ASSENTED-TO MOTION**  
**TO CONDUCT VIDEOTAPED DEPOSITION OF DEFENDANT’S**  
**WITNESS FOR USE AT TRIAL**

Now come the Defendants United Steelworkers of America, Local 421-U and United Steelworkers of America (collectively, the Union) pursuant to Rule 32(a)(3) of the Federal Rules of Civil Procedure and hereby seek leave of the Court to conduct a videotaped deposition of one of the Defendants' witnesses for use at trial. As grounds for this motion, the Union states that a necessary fact witness, Theresa Merrill Stones, will be unable to attend and testify in person because she is pregnant and due to give birth in early January and will be unable to travel during the time set for trial. The Union therefore contends that it is in the interest of justice that her videotaped deposition be presented at trial.

Pursuant to Local Rule 7.1, the undersigned conferred with Plaintiffs' Counsel Robert Berger, Esq., who assents to this motion.

WHEREFORE, the Defendant Union respectfully requests that the Court grant leave to conduct the videotaped deposition of Theresa Merrill Stones for use at trial.

Respectfully submitted,

Dated: November 21, 2006

s/Alfred Gordon  
Harold L. Lichten, BBO # 549689  
Alfred Gordon, BBO # 630456  
Pyle, Rome, Lichten, Ehrenberg  
& Liss-Riordan, P.C.  
18 Tremont St., Ste. 500  
Boston, MA 02108  
(617) 367-7200

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served by electronic notice on the attorney of record for each party on November 21, 2006.

s/Alfred Gordon  
Alfred Gordon